

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

U.S. DISTRICT COURT
BANGOR, MAINE
RECEIVED AND FILED
2010 NOV 30 A 8:36

UNITED STATES OF AMERICA

V.

Jason P. FIUME

Magistrate No.

1:16-mjBY189-MJ/C

DEPUTY CLERK

COMPLAINT FOR VIOLATION OF

Title 18, U.S.C. §§ 2262(a)(1), (b)(5) and 2261A(2)(B)

The undersigned complainant, being duly sworn, states:

COUNT ONE

Between June 23, 2010 and August 31, 2010, in the District of Maine and elsewhere,
defendant

Jason P. FIUME

with intent to place a person in another State in reasonable fear of the death of, or serious bodily injury to, that person; used the mail, any interactive computer service and any facility of interstate or foreign commerce to engage in a course of conduct that caused substantial emotional distress to that person and placed that person in reasonable fear of the death of, or serious bodily injury to, any member of the immediate family of that person.

In violation of Title 18 United States Code, Sections 2261A(2)(B) and 2261(b)(5).

COUNT TWO

On about July 1, 2010, to on or about July 2, 2010, in the District of Maine and elsewhere, defendant

Jason P. FIUME

knowingly traveled in interstate commerce with the intent to engage in conduct that violates that portion of a protection order issued June 22, 2010 in Utica City Court, County of Oneida, State

of New York, Case No. 2009-5419, that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, and subsequently engaged in such conduct.

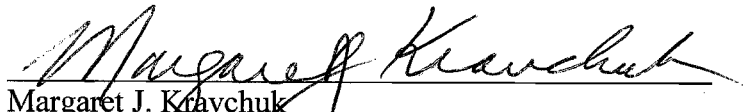
In violation of Title 18, United States Code, Sections 2262(a)(1) and (b)(5).

The complainant states that this complaint is based on the attached affidavit, which is incorporated herein by reference.



Mark Miller, Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO before me
This 30 day of November, 2010


Margaret J. Kravchuk
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Mark G. Miller, being first duly sworn, do hereby state that I am a Special Agent (S/A) with the Federal Bureau of Investigation (FBI) and have been so employed for approximately 8 years. Before joining the FBI, I was a Maine State Police Trooper for approximately 3 years. Over the course of my career in law enforcement, I have directed and assisted in numerous criminal investigations involving violations of the federal criminal laws. I am currently assigned to the Augusta, Maine office.

The facts pertaining to this affidavit have been provided to me through officers of the Maine State Police, the Kennebec County Sheriff's office and the Kennebec County District Attorney's Office, and through my own investigation. Based on this information and my experience, education and training, I have probable cause to believe that Jason P. FIUME has violated Title 18, United States Code, Sections 2262(a)(1), (b)(5) and 2261A(2)(B), Interstate Stalking and Interstate Violation of Protection Orders.

I make this affidavit in support of a criminal complaint for violations of Title 18 United States Code, Sections 2262(a)(1), (b)(5) and 2261A(2)(B).

1. I have obtained and reviewed a copy of an Order of Protection entitled People of the State of New York against Jason P. FIUME, Defendant, in Utica (New York) City Court, County of Oneida Case No. 2009-5419.
 - a. That Order of Protection was dated 06/22/10 and was ordered to remain in force until 06/22/2015.

- b. The Order of Protection indicated that the Defendant had been convicted of a violation of P.L. 120.00 01 AM Assault 3rd: W/Intent Cause Physical Injury.
- c. The Order of Protection ordered, among other things, the Jason P. FIUME observe the following conditions of behavior:
 - i. Stay away from
 - 1. Megan Fiume;
 - 2. the home of Megan Fiume;
 - 3. the school of Megan Fiume;
 - 4. the business of Megan Fiume;
 - 5. the place of employment of Megan Fiume;
 - ii. Refrain from communication or any other contact by mail, telephone, e-mail, voice-mail or other electronic or any other means with Megan Fiume;
 - iii. Refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats or any criminal offense against Megan Fiume.
- d. The Order of Protection also indicated that Defendant Jason P. FIUME was advised in Court of the issuance and contents of the Order, that the Order was personally served on Defendant in Court and that the Defendant signed the Order.

e. The Order of Protection also provided notice, among other things, that:

It is a federal crime to:

i. Cross state lines to violate this order or to stalk, harass or commit domestic violence against an intimate partner or family member;

2. I have obtained and reviewed of copy of a Criminal Complaint and an Affidavit in support of that Complaint dated 8/20/2010 and signed by Maine State Police Trooper Mark E. Barney in State of Maine, Kennebec County, Superior Court Docket No. AUGSC-CR-2010-00608, entitled State of Maine v. Jason P. FIUME. The complaint charges Jason P. FIUME with Stalking (Class C) in violation of 17-A M.R.S.A. § 210-C(1)(B)(1). I have since learned that Jason P. FIUME was arrested on that charge on September 1, 2010, and is being held in state custody on that charge.

From reviewing that affidavit, I have learned, among other things, the following:

- a. Jason P. FIUME and Megan Fiume were married in 2008.
- b. That as of 8/20/2010 Jason P. FIUME was residing in Utica, New York and Megan Fiume was residing in Maine.
- c. On December 22, 2009, in the State of New York, Jason FIUME assaulted Megan Fiume and was thereafter arrested and charged with Assault in the Third Degree with Intent to Cause Bodily Injury.
- d. On April 20, 2010, Jason FIUME pleaded guilty to Assault with the Intent to Cause Physical Injury against Megan Fiume in Utica City Court, County of Oneida, State of New York docket number 2009-5419.

- e. On June 22, 2010 Jason FIUME was sentenced for that offense to credit for time served. (I have determined that the amount of time served was approximately 6 months from 12/22/09 to 6/22/10.)
- f. On that same date, June 22, 2010, the Honorable Gerald J. Popeo on behalf of the State of New York issued an Order of Protection against Jason FIUME requiring that he “stay away” from Megan Fiume and that he stay away from her residence. The order further states that Jason FIUME refrain from any communication or any contact by mail, telephone, e-mail, voicemail, or other electronic means or any other means with Megan Fiume. The order also states that Jason FIUME refrain from any stalking, harassment, menacing, intimidation or threats against Megan Fiume. The order was personally served on the Defendant, Jason P. FIUME, in Utica City Court, on June 22, 2010.
- g. On June 23, 2010 (the day after the Protection Order was issued in New York and Jason P. FIUME was released from custody), Megan Fiume was residing at her parents’ residence in Maine. Megan Fiume and her family began receiving “non-stop” calls from Jason FIUME at the residence on the land line phone. Megan and her family members asked Jason FIUME not to call and reminded him of the protection orders against him. Jason FIUME reported that he did not care about going back to jail and that he was in Portland, Maine. Kennebec County Deputy Sheriff Bucknam was able to get a trace on the calls being made by Jason FIUME which showed that he was still in the State of New York.

- h. Between June 28, 2010 and July 8, 2010, Jason FIUME wrote over 60 Facebook messages to Megan Fiume. In one or more of those messages, Jason FIUME asked Megan Fiume to contact him and provided a phone number of 315-210-****.
- i. On July 2, 2010, Jason FIUME was seen at Megan Fiume's parents' residence in Maine where he put a check in the mailbox and folded up a heart with a poem and put it in a tree in the yard. Megan Fiume saw Jason FIUME and rushed inside the house with her daughter. Subsequently, Jason FIUME admitted in phone calls, text messages and other communications that he saw Megan and knew that she was living there. Jason FIUME made threats that since he had found her he would always be able to find her.
- j. On July 6th, 8th and 10th, Jason FIUME sent three separate letters to Megan Fiume at her parents' residence in Maine. All three letters were postmarked from New York. In the final letter, Jason FIUME put Megan Fiume's grandmother's address in Massachusetts as the return address. In subsequent communications, Jason FIUME admitted that he put the return address as her grandmother's so that if the victim tried to have them "returned to sender" by the Postal Service they would simply go to her grandmother.
- k. On July 10, 2010, Jason FIUME continuously called Megan Fiume at her parents' home in Maine. Kennebec County Deputy Sheriff responded to the residence and spoke to Jason FIUME and asked why he was calling Megan in

violation of the protection orders. Jason FIUME responded that it was none of the officer's business and he was only going to talk to his lawyer.

1. Between July 19, 2010 and July 27, 2010, Jason FIUME engaged in constant and repeated stalking of Megan Fiume while she resided in Maine. He called her home phone and cell phone continuously and left message after message. Megan Fiume reported that her voicemail was so full that it could not hold anymore messages. Megan Fiume turned over multiple tape recordings of the calls to law enforcement. Megan Fiume and her family have unplugged their phone, and restricted calls coming into their phone. Megan Fiume changed her cell phone number, her e-mail addresses and fled New York State but nothing stopped the constant harassment from Jason FIUME. On multiple occasions, Jason FIUME reported in his communications that he does not care about going back to jail. Jason FIUME has made threats that Megan and her family will die. Jason FIUME reported knowing people that would do things for money. Megan Fiume and her family were in fear of Jason FIUME. Below is a summary of communications from Jason FIUME:

1. On July 19, 2010, Jason FIUME called Megan Fiume numerous times from 315-219-**** and from restricted numbers. On the same date he sent 30 text messages to Megan Fiume from that same number 315-219-****. An example of a text message received:

- *"Part of me wants to hate u too but the other half wants to never give up. I stalking u cuz I know I changed. Its never too late."* Received 2:54 p.m.

2. On July 20, 2010, Jason FIUME called Megan Fiume numerous times throughout the day from a restricted number. The family's landline phone was shut off twice to stop the calling but as soon as it was plugged back in the calls and messages continued. Megan Fiume also received 11 text messages from Jason FIUME on that date. An example of a text message received on or about that date :

- *"I swear to god i changed that if u get a divorce god will take everything from u and punish u the way hes punishing me. I pray to god u get what you deserve too."*

Received 4:29 p.m.

3. On July 21, 2010 Jason FIUME called Megan Fiume numerous times throughout the day from a restricted number. The family unplugged the phone to stop the calls. Megan Fiume received four text messages from Jason FIUME on that date. An example of a text message received on or about that date:

- *"Wah wah wah. im scared of my husband cuz i mentally abuse him and he beats me like i should. i run my mouth and i disrespect him and i get what i deserve."*

Received at 10:45 p.m.

4. On July 22, 2010 Jason FIUME called Megan Fiume numerous times from a restricted number and sent her over 25 text messages from the 315-219-**** number. One example of a text message received on or about that date:

-“U broke my heart so I broke ur sloppy face slut.” Received at 12:19

p.m.

5. On July 23, 2010 Jason FIUME sent Megan Fiume numerous text messages from the same number listed above. An example of a message received on or about that date:

-“I tried so hard to save you. By ur daddy raised u wrong. i keep calling and texting now not cuz i can’t have u. but im bulding my case, but ur 2 stupid 2 kno.” Received

1:54 p.m.

6. On July 24, 2010 Jason FIUME called Megan Fiume numerous times over a six hour period from a restricted number. He later called her numerous times in one hour from a restricted number. Megan Fiume received 6 text messages sent from him from the above listed number. An example of the text messages received on or about that date:

-“Its funny cuz i been out a month and i already got ur number. Found u on my space and face book. I got u 300.00 and u think nothing is gona happen. Ha ha ha” Received at

1:53 p.m.

7. On July 25, 2010 Jason FIUME called Megan Fiume 28 times from a restricted number. He sent two text messages on that date. An example of a message received on or about that date:

-“I met alotta people in jail megan. keep thinkin im playin. U need 2 learn some respect.” Received 2:45 p.m.

8. On July 26, 2010, Jason FIUME sent seven text messages from the above listed number. An example of the messages received on or about that date:

-“you are so fucked. oh my god u have no fucken clue. U can tell ur parents now that ur sorry. Ur fucken done.” Received 8:17 p.m.

9. On July 27, 2010, Jason FIUME called Megan Fiume 66 times throughout the day from restricted numbers except on one occasion from the 315-219-**** number. Examples of the text messages received on or about that date:

-“Wow. When u saw me u looked so fat and scared. u should have seen how fast you ran inside ur moms house.” Received 6:34 p.m.

-“And ur going to beg me to kill u when i do find you.” Received 6:00 p.m.

-“Oh I don’t. but u will b. i swear on the kids lives so help u god that I have a plan 4 u. things will happen when u least expect it.” Received at 6:13 p.m.

-*"Fuck it megan. i hope ur spending plenty of time with ur family. That's because nobody lives 4 ever."* Received at 6:16 p.m.

-*"Is not us im gona take it out on. Ur silly. But I am when I find you. Keep thinkin ur unstoppable. U didn't expect to see me on thd second."* Received 6:24 p.m.

7. I have reviewed a number of messages sent by Jason FIUME on Facebook some to Megan Fiume and others to her mother, Carina Aubuchon, between June 28, 2010 and July 8, 2010, one of which was sent under the name of "Thomas Bryant" and the remainder of which were sent under the name of Jason FIUME. Excerpts from those messages include:

-June 29, 2010, 2:16 p.m.: "... I am going up there after the fourth of july to your moms to put money in the mailbox and turn myself into the police." ... "I'm going to maine because god wants me to obey the law and turn me in."

-June 29, 2010, 2:24 p.m.: "My number is 312-219-****. I have no warrants in maine, I called the courts and the police so I can't turn myself in. But I will drive to maine to put the money order in your parents mailbox because I love the girls too."

-June 30, 2010, 6:44 p.m.: "After I get id ill be goin to ur moms house to drop off money 4 the girls in the mailbox. Im not gonna go up to the house just pullen up to the box and putting money in."

-July 3, 2010, 12:02 a.m.: "I drove up there I gave you the money and I seen you"

-July 3, 2010, 1:14 a.m.: "I sw Megan At your house. She is still pregnant. Why do you lie. I know she is there. She isn't in California."

-July 5, 2010, 12:07 a.m.: "U looked so cute when i saw u I saw u at ur moms and I seen ur cue belly. I know u saw me cuz u ran into the house. U live in the middle of nowhere so i know u knew it was me."

-July 5, 2010, 2:14 p.m.: "Its been 2 weeks since ive been out of jail. I got my own place. Some clothes and I drove up there to give the girls \$300.

-July 8, 2010, 7:52 a.m.: "Ive been out of jail 4 three weeks and im on my feet already."

8. I have reviewed a number of pages of text messages sent by Jason FIUME to Megan Fiume between July 19, 2010 and July 22, 2010. Excerpts from those text messages include the following:

-July 19, 9:05 p.m.: "i sent u 300.00 dollars did u get it."

-July 19, 9:10 p.m.: "It was so nice to hear ur voice and to see u at ur moms house."

-July 20, 2:45 p.m.: "part of me wants to hate u too but the other half wants to never give up. Im stalkin u cuz i know i changed. Its never too late."

9. I have reviewed a number of pages of text messages sent by Jason FIUME to Megan Fiume between July 23, 2010 and July 27, 2010. Excerpts from those text messages include the following:

-July 23, 1:53 p.m.: "Its funny cuz i been out a month and i already got ur number. found u on myspace and face book. i got u 300.00 and u think nothing is gona happen. hahaha"

-July 26, 6:55 p. m.; "im in Utica."

-July 26, 7:11 p.m.: "Don't worry megan, one of us will die."

-July 27, 5:43 p.m.: "Megan. when i find you. i know im getting into trouble."

-July 27, 5:52 p.m.: "cuz im going 2 drop u when i get ur adres."

-July 27, 6:00 p.m.: "And ur going to beg me to kill u when i do find you."

-July 27, 6:08 p.m.: "I have many outlets. And even the most desperate crackhead will do anything 4 a buck."

-July 27, 6:10 p.m.: "Id really hate 4 ur dad to not make it to work ond day. Cuy than who would call u beautiful."

-July 27, 6:13 p.m.: "Oh i don't. but u will b. I swear on the kids lives so help u god that i have a plan 4 u. things will happen when u least expect it."

-July 27, 6:16 p.m.: "Fuck it megan. i hope ur spending plenty of time with ur family. thats all becausd nobody lives 4 ever."

-July 27, 6:24 p.m.: "Its not u im gona take it out on. ur silly. but i am when i find you. keep thinkin ur unstoppable. u didn't expect to see me on thd second."

-July 27, 6:34 p.m.: " Wow. when u saw me u looked so fat and scared. u should have seen how fast u ran inside ur moms house."

-July 27, 6:34 p.m.: "And its very obvious ur scared."

10. I have reviewed a page of text messages sent by Jason FIUME to Megan Fiume on July 27, 2010. An excerpt from one of those text messages is the following:

-July 27, 11:21 p.m.: "Ur going to die. And someone is going to kill you. and carina and todd and nick and autumn.

Based on the above facts, I have probable cause to believe that Jason P. FIUME has violated Title 18, United States Code, Sections 2262(a)(1), (b)(5) and 2261A(2)(B).

I, Mark G. Miller, hereby swear under oath that the information set forth in this Affidavit is true and correct to the best of my knowledge, information and belief, and that I make this oath under the pains and penalties of perjury.

Dated: 11/30/2010



Mark G. Miller, Special Agent
Federal Bureau of Investigation


STATE OF MAINE

Penobscot, ss.

November 30, 2010

Personally appeared before me the above-named Mark G. Miller and made oath as to the truth of the foregoing affidavit signed by him.

Before me,


Margaret J. Kravchuk
United States Magistrate Judge